

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RONALD ALLISON,
Plaintiff,

v.

CLARK COUNTY DETENTION CENTER,
Defendants.

Case No. 2:21-cv-01339-RFB-EJY

REPORT and RECOMMENDATION

Plaintiff, a former inmate of the Clark County Detention Center (“CCDC”), submitted a *pro se* Complaint under 42 U.S.C. § 1983. ECF No. 1. However, as explained in the Court’s July 15, 2021 Order, Plaintiff’s application to proceed *in forma pauperis* was denied because the application was incomplete. ECF No. 3. The July 15, 2021 Order granted Plaintiff through and including September 14, 2021 to either pay the appropriate filing fee or submit a complete *in forma pauperis* application. *Id.* at 2. The Court informed Plaintiff that it would recommend dismissal of this case without prejudice if Plaintiff failed to comply with the Order. *Id.*

On July 22, 2021, the Court’s July 15, 2021 Order was returned as undeliverable. ECF No. 4. On July 23, 2021, the Court issued an Order requiring Plaintiff to update his address with the Clerk of Court by September 14, 2021. As of the date of this Order, Plaintiff has not updated his address or otherwise been in contact with the Court.¹

Accordingly, IT IS HEREBY RECOMMENDED that this matter be dismissed without prejudice for failure to comply with this Court’s July 15 and 23, 2021 Orders.

Dated this 22nd day of September, 2021.


ELAYNA J. YOUCHAK
UNITED STATES MAGISTRATE JUDGE

¹ Local Rule IA 3-1 provides that a “pro se party must immediately file with the court written notification of any change of mailing address[.] ... Failure to comply with this rule may result in the dismissal of the action, entry of default judgment, or other sanctions as deemed appropriate by the court.”

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).